



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,605	07/25/2000	Masao Akimoto	P19818	7588

7055 7590 05/10/2004

GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

THOMPSON, MARC D

ART UNIT PAPER NUMBER

2144

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Interview Summary

Application No.

09/624,605

Applicant(s)

AKIMOTO ET AL.

Examiner

Marc D. Thompson

Art Unit

2144

All participants (applicant, applicant's representative, PTO personnel):

(1) Marc D. Thompson (USPTO).

(3) \_\_\_\_\_.

(2) William Pieprz (Reg. #33,630).

(4) \_\_\_\_\_.

Date of Interview: 07 May 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 10, and proposed claim 10, attached.

Identification of prior art discussed: RFC 2463, and Bullard (U.S. Patent Number 6,405,251), both applied.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

MARC D. THOMPSON  
**MARC THOMPSON**  
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant clarified details of the Internet facsimile device as claimed (IFAX) not having the ability to process "echo reply" packets send in response to "echo request" packets which the device did actually generate and transmit. The proposed amendment(s) removed the "forwarding" functionality of the IFAX device, causing difficulty in understanding how the "analyzing apparatus" obtains information received by the "error informing apparatus". It was further agreed that these two functional elements (i.e., analyzing and error informing apparatus) are not co-located. Applicant clarified inventive concept involving "it is illogical to send echo reply packets to a machine which cannot process them", so "the packets are processed by another, remote computing terminal connected via a LAN which is capable of analyzing the error information within." In regard to rejections due to alleged indefinite and unclear claims, Examiner agreed the proposed amendment at lines 8 and 9 of claim 10, dealing with "one of/and" vs. "or", the latter being proposed, is sufficient for required clarity. Distinction between the claimed IP packet and the reply packet is/remains unclear after discussion of the invention as claim. Attention was drawn toward the final rejection at the top of Page 8, and the teachings of RFC 2463 (resulting also in agreement of reply request/reply packets being admitted prior art), at Page 13, where the functionality for passing the reply packet to other processes was directly suggested. Examiner remained firm that the level of ordinary skill in the art of a typical artisan would be sufficient to construct this minimal information forwarding/passing operation. It was also noted that based on this recited suggestion, the combination with Bullard specifically teaching the remote processing of packet information remote from terminal(s) which did not receive the packet(s), was proper. Examiner stands on the rejection as formulated and articulated in Paper #8. Applicant was encouraged to explore significant modification to the claimed invention to overcome this currently applied rejection. Applicant was invited to repeat this interview procedure in the near future, if desired, to minimize cost in time extensions, to further advance prosecution of the case should Applicant decide to continue patenting efforts.

MARC D. THOMPSON



PRIMARY EXAMINER

**GREENBLUM &  
BERNSTEIN, P.L.C.**


**FAX MSG NO. P19818.F04**

**PAGE 1 OF 3**

**SENDING TEL. NO. 703-716-1180**

\*\*\*\*\***CONFIDENTIALITY NOTE**\*\*\*\*\*

The documents accompanying this facsimile transmission contain information from the law firm of Greenblum & Bernstein, P.L.C. which is confidential and/or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this facsimile information is prohibited. If you have received this facsimile in error, please notify us by telephone at (703) 716-1191 immediately so that we can arrange for the retrieval of the original documents at no cost to you.

\*\*\*\*\*  
CALLED TEL. NO.: (703) 746-5487   
TO : U.S. Patent and Trademark Office  
ATTN : Examiner Mark Thompson  
FROM : Greenblum & Bernstein, P.L.C.  
DATE : May 3, 2004  
SUBJECT : U.S. Patent Application No. 09/624,605 in the names of Masao  
AKIMOTO et al., entitled "Error Informing Apparatus and Error  
Informing Method"; Our Ref: P19818

Dear Examiner Thompson:

Further to our recent discussion regarding the above-noted application, attached please find a copy of an amended claim for us to discuss during our interview tomorrow, May 4, 2004 at 11:30 A.M. One of the issues that we wish to discuss is based upon the nature of the Internet facsimile apparatus to which the present invention is directed. In particular, the Internet facsimile apparatus does not have the ability to analyze an echo reply packet. Thus, it is illogical and thus unobvious for a device which is incapable of analyzing an "echo reply" packet to transmit an "echo request" packet and receive back an "echo reply" packet. In the present invention, such transmission and reception is performed merely so that a distinct analyzing apparatus can interpret the "echo reply".

We hope that these comments enable our interview to be both short and productive. I look forward to speaking with you tomorrow.

Best regards,  
Bill Pieprz

P19818.A07

Claim 10. (currently amended) An error informing apparatus included in an Internet facsimile apparatus, the Internet facsimile apparatus connected to a mail server via a LAN, the Internet facsimile apparatus not having an ability to analyze an "Echo reply" packet, the "Echo reply" packet being a response to an "Echo request" packet, the error informing apparatus comprising:

a controller configured to transmit a command for an Internet transmission to the mail server, to detect whether a response to the command is received from the mail server, to generate an IP packet including an error message ~~one of~~ when the response to the command is not received for a predetermined time ~~and or~~ when the response to the command is incorrect, and to transmit the IP packet including the error message to ~~an~~ a predetermined communication apparatus configured to receive the IP packet, the predetermined communication apparatus being connected to the error informing apparatus via the LAN, the IP packet being ~~an~~ the "Echo request" packet which requests the predetermined communication apparatus to transmit the ~~IP~~ "Echo reply" packet back to the error informing apparatus;

the controller being further configured to receive the "Echo reply" packet from the predetermined communication apparatus ~~to forward the "Echo request" packet to the LAN when the "Echo request" packet is transmitted back to the error informing apparatus,~~ whereby the ~~"Echo request reply"~~ "Echo request reply" packet is being analyzed by

P19818.A07

an analyzing apparatus connected to the error informing apparatus via the LAN  
~~after the error informing apparatus forwards the "Echo request" packet.~~